

REMARKS

The claims have been amended to specify the liposome components in the methods and compositions claimed. The Examiner kindly notes that the results in Table 5 of the specification indicate a significantly greater immune response when the nucleic acids are encapsulated than when they are complexed, but asserts that these unexpected results do not support patentability over the full scope of the claims as formerly presented. As the Examiner further notes, the results are commensurate for a lipid composition of PC/DOPE/DOTAP liposomes. As the claims have been limited to this scope, it is believed that these unexpected results clearly support patentability the claims as now presented.

Applicant sincerely appreciates the thorough discussion provided by the Examiner attached to the Advisory Action mailed 9 August 2007. While applicant does not agree that a *prima facie* case has been made, applicant believes that the unexpected results achieved according to the claimed invention justify patentability in view of the amendment to the claims and limitation of their scope to the components that exhibit these unexpected results.

Applicant agrees with the Examiner that the sizes of the liposomes and the nature of the antigen is not germane to the unexpected results observed.

In view of the amendment, therefore, applicant respectfully requests that the pending claims, claims 1, 6-7, 16-18, 34-37 and 39, be passed to issue. If issues remain that might be resolved by telephone, a phone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any

required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 429022000620.

Respectfully submitted,

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